STAND. COM. REP. NO. 2656

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 2295

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Housing, to which was referred S.B. No. 2295 entitled:

"A BILL FOR AN ACT RELATING TO PRINCIPAL PRIVATE DETECTIVES AND GUARDS."

begs leave to report as follows:

The purpose of this measure is to repeal the requirement that principal detectives and principal guards must be residents of the State to gualify for licensure.

Additionally, this measure codifies the policies of the State Board of Private Detectives and Guards (Board) relating to principal detectives and principal guards.

Testimony in support of this measure was submitted by the State Board of Private Detectives and Guards. No testimony in opposition was submitted to your Committee.

The Department of the Attorney General has determined that the residency requirements contained in sections 463-5 and 463-7, Hawaii Revised Statutes, are unconstitutional because these provisions require residency as a condition of licensure. Your Committee finds that this constitutional defect necessitates the repeal of these residency requirements.

Your Committee also finds that consumer safety is ensured by the Board's policy that a principal who is a resident of another state or jurisdiction can qualify for licensure provided that the principal is fully responsible for the direct management and



control of the agency or the agency's employees when detective or guard services are being provided in the State. Accordingly, your Committee finds that the codification of this Board policy is appropriate.

Last, your Committee notes that as an agency's business increases, the staffing requirements of the business and the offices of the business also increase. Your Committee finds that the Board's practice to allow an agency to employ more than one principal to aid in the direct management and control of the agency's employees ensures consumer safety and is appropriately codified by this measure.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2295 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on behalf of the members of the Committee on Commerce, Consumer Protection, and Housing,

RON MENOR Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Commerce, Consumer Protection and Housing (Bills and Resolutions)

Measure:* SB 2295	Committee Referral:		Date: 23-06		
The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to:					
The Recommendation is to:		•			
Pass, unamended Pass, with amendments (2312) (2311)			Hold Recommit (2310) (2313)		
Members		Ayes	Ayes(WR)	Nays	Excused
MENOR, Ron (C)	: 4.			·- ·	****
BAKER, Rosalyn H. (VC)	· · · · · · · · · · · · · · · · · · ·		İ		¥
ESPERO, Will C. IGE, David Y.					
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TOTAL		5		-	l
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature: (Rosaly H Paker					
Distribution: Voliginal Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do not list more than one measure per Record of Votes.